IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3528 OF 2004

IN

SUIT NO.3466 OF 2004

M/s.Front Display. ...Plaintiff.

vs.

The Maharashtra State Road Development Corporation. ...Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 8th June,2007.

P.C.:-

By consent of parties, the notice of motion is disposed of in the following terms:-

1. It is common ground that so far the plaintiff is displaying the advertisements on an area admeasuring 280 square meters. It is also agreed between the parties that the lease period which was mentioned in the tender document in relation to this 280 square meters has come to an end.

2. Within two weeks from today, the plaintiff shall file an undertaking in this Court undertaking therein that their hoardings which are being displayed on an area admeasuring 280 sq.meters referred to above will be taken out by them as soon as they receive communication to that effect from the defendant.

3. During the period till which the plaintiff continues to display its hoardings on 280 sq.meters area, the plaintiff will continue to pay to the defendant at the rate which is mentioned in the tender.

4. The defendant will be entitled to publish notice in accordance with law inviting offers for displaying hoardings on the area of 280 sq.meters i.e. the sites which presently are with the plaintiff. The plaintiff will also be entitled to submit its offer and direction shall be given by the defendant to the plaintiff to remove its hoarding only if the plaintiff is not the successful bidder and bid of some other person is accepted.

5. Alongwith the letter bearing no.MSRDC/02/CU/FLYM/006/6/683 dated 13.3.2006 of the defendant, a plan has been sent by the defendant to the plaintiff, that plan is taken on record and marked “X”.

6. Within a period of four weeks from today, the plaintiff shall approach the Corporation and other authorities for permission to display hoardings on the sites which are mentioned in the plan at “X”. Such of the sites on which the authorities may permit the plaintiff to display the hoardings on the plan at “X” shall be jointly measured by the plaintiff and the defendant and thereafter, on those sites the plaintiff shall be entitled to display the hoardings in terms of the tender notice for the period permissible under the tender notice. It is clarified that the plaintiff will be liable to pay charges for the sites on which actually he is permitted to display the hoardings as per the terms of the tender.

7. The plaintiff shall endeavour and secure permission for display of the hoardings on the sites mentioned in the plan at “X” as expeditiously as possible in any case within a period of six months from the date on which the plaintiff approaches the authorities.

8. In case the plaintiff fails to secure permission of the relevant authorities for displaying hoardings on the sites shown in the plan at “X” within the aforesaid period of six months neither the plaintiff shall be permitted to display the hoardings nor the defendant shall dispose of the sites without seeking leave of the Court.

Notice of motion is disposed of. The parties however, shall be at liberty to approach the Court, if necessary.